

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

vs.

CASE NO. 6:19-cv-01567-TMC

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;
ALEX AZAR, in his official capacity as SECRETARY of
the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ADMINISTRATION FOR CHILDREN AND FAMILIES;
LYNN JOHNSON, in her official capacity as ASSISTANT
SECRETARY of the ADMINISTRATION FOR CHILDREN AND
FAMILIES;
SCOTT LEKAN, in his official capacity as PRINCIPAL
DEPUTY ASSISTANT SECRETARY of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;
HENRY MCMASTER, in his official capacity as
GOVERNOR of the STATE OF SOUTH CAROLINA;

MICHAEL LEACH, in his official capacity as STATE
DIRECTOR of the SOUTH CAROLINA DEPARTMENT OF SOCIAL
SERVICES,

Defendants.

VIDEOTAPED

DEPOSITION OF: JACQUELINE LOWE
(APPEARING VIA VIRTUAL ZOOM)

DATE: June 3, 2021

TIME: 9:27 AM

REPORTED BY: TERRI L. BRUSSEAU
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6 (INDEX AT REAR OF TRANSCRIPT)
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1 to make it clear which is which in my questions.

2 A. Thank you. I appreciate that.

3 Q. Sure. Just a little bit of background
4 about you I'd like to go through. What -- what
5 sort of educational degrees do you hold?

6 A. I hold a Bachelor of Science degree in
7 Criminal Justice, a Bachelor's of Social Work
8 degree, Master's of Education in Rehabilitation
9 Counseling.

10 Q. Okay. I'll just take those one at a
11 time. Your Bachelor of Science in Criminal
12 Justice, from what school did you get that degree?

13 A. From the University of South Carolina,
14 Columbia.

15 Q. And what year was that?

16 A. 1987.

17 Q. Okay. And then you also said
18 Bachelor's of Social Work. When -- what school did
19 you attain that degree from?

20 A. That is from -- gosh, I'm drawing a
21 blank. That was in 1991, I believe.

22 Q. Okay. And then the last one, Master's
23 of Education in Rehabilitation Counseling, from
24 what institution did you get that degree from?

25 A. University of South Carolina, Columbia.

1 Q. And in what year?

2 A. 2001.

3 Q. Okay.

4 A. Yeah.

5 Q. Great. And for how long have you been
6 employed by DSS?

7 A. About 25 years.

8 Q. Okay. And what is -- what is your
9 current position there?

10 A. My current position is director of
11 child welfare and licensing.

12 Q. And can you just describe for me sort
13 of in broad strokes what your responsibilities are
14 in that role.

15 A. Sure. In that role I'm responsible for
16 staff across the state who are licensing foster
17 family homes who are supporting foster families,
18 also staff who license families with the child
19 placing agencies and also license child placing
20 agencies themselves as well as group homes
21 throughout the state.

22 Q. So you're -- and how long have you held
23 that position?

24 A. I've been in this current role since
25 2011.

1 Q. And before that, what was your position
2 at DSS?

3 A. Before that I was working as a -- in
4 our specialized foster home services program, so a
5 program manager that was responsible for the public
6 therapeutic child welfare foster care licensing for
7 the agency and then it rolled into the state
8 office, statewide management.

9 Q. Okay. And you said therapeutic foster
10 care, I believe. What does therapeutic foster care
11 mean?

12 A. So therapeutic are classification for
13 children that have more specific care needs than
14 what will be considered standard over day-to-day
15 care needs for children. So it could be children
16 with complex medical care needs, with
17 classifications for diagnoses of behavioral
18 conditions or disorders, so those children that
19 would require more than what you would do for any
20 child on a day-to-day basis.

21 Q. Okay. And for those children who don't
22 fall into that category, is that type of foster
23 care, is that sometimes referred to as
24 nontherapeutic foster care?

25 A. That is correct.

1 Q. Okay. So in that position, that was
2 from 2001, how long did that run back for?

3 A. A few years. I don't have my resume in
4 front of me for these specific dates, but just a
5 few years. Probably maybe four years or so in that
6 role or capacity.

7 Q. Okay. And then was there another --
8 was there another position before that that you
9 served at DSS?

10 A. Sure. Adoption administrator and then
11 also did technical assistance for DSS in terms of
12 foster care working with counties and regions
13 around foster care issues. And then again the
14 adoption administrator, so served a region of the
15 state where we provided adoption specific services
16 for applicants who were wanting to be approved for
17 adoption purposes.

18 Q. Okay. And was that -- have we touched
19 on all of the roles that you've had at DSS in your
20 tenure there or are there others?

21 A. I also served as a foster care worker
22 with the Department and then prior to that I worked
23 in economic services, which were financial services
24 for applicants.

25 Q. When you say a foster care worker, what

1 does that role entail?

2 A. So with the foster care worker, there
3 was a caseload that I managed of children who were
4 in out-of-home placements, i.e. foster care, and
5 would visit them on a regular basis to ensure that
6 the services were being provided to them per their
7 treatment plan.

8 Q. So that was a caseworker type role
9 where you were assigned to particular children?

10 A. That is correct.

11 Q. Okay. Great. And then before you were
12 employed at DSS, where were you employed prior to
13 that?

14 A. I was with DSS and then I left and went
15 to one of the private therapeutic foster care
16 agencies with South Carolina MENTOR, and then I
17 also worked with the state Department of Mental
18 Health and then came back to the Department.

19 Q. Okay. And what was your -- what were
20 your responsibilities when you worked for South
21 Carolina MENTOR?

22 A. With South Carolina MENTOR I was a case
23 manager for a caseload of children with complex
24 medical care needs and so I facilitated or
25 coordinated services delivery for them, supported

1 that each of those CPAs received from -- in South
2 Carolina for the years 2017 through much of 2020.
3 Does that sound right to you?

4 A. It does.

5 Q. And if you just -- if you take a look
6 at the names of the CPAs listed there, does that
7 appear to be a complete list of the state
8 contracted CPAs in South Carolina?

9 A. I can't speak to all of the state
10 contracted facilities. That's not a part of -- my
11 responsibility is whether agencies are contracted,
12 but this does show some of the agencies that are
13 licensed by the Department and some that are paid
14 for services.

15 Q. Okay. Are there any CPAs that are
16 licensed by the Department that you -- that come to
17 mind that you don't see on that list?

18 A. Yes.

19 Q. And which are those?

20 A. Let's see. Well, there are -- let me
21 say that JusticeWorks Behavioral Care is not
22 licensed by the Department so -- you know, there
23 may be a contract that I'm not aware of, but that
24 agency is not licensed by DSS. So there are newer
25 agencies that have been licensed by the Department

1 that's not on this list, like Oasis of Hope I
2 believe is one, so there have been newer agencies
3 licensed since this list that's not included here.

4 Q. Okay.

5 A. This list are licensed except for the
6 JusticeWorks mentioned as well as LifeShare.

7 Q. LifeShare is also not licensed -- not a
8 licensed CPA?

9 A. LifeShare Management Group is not
10 licensed by South Carolina DSS.

11 Q. Okay. And there's a CPA that we've
12 come across that's called The MENTOR Network. I
13 didn't see that on this list. Is that a licensed
14 South Carolina CPA?

15 A. They are.

16 Q. And any others that come to mind that
17 are licensed CPAs that don't show up on this chart?

18 A. The South Carolina MENTOR is on the
19 chart.

20 Q. So The MENTOR Network --

21 A. It's on Page 2.

22 Q. Okay. So The MENTOR Network and South
23 Carolina MENTOR, that's the same thing?

24 A. That is correct.

25 Q. Got it.

1 A. Yeah, for South Carolina, it's South
2 Carolina MENTOR, but it is part of The MENTOR
3 Network.

4 Q. Got it. Okay. Thank you. So from
5 this list -- so -- let me back up a second.

6 Is South Carolina divided into regions
7 for purposes of DSS's work?

8 A. Yes, they are.

9 Q. Okay. And what region is the
10 Greenville area a part of?

11 A. Greenville is a part of the upstate
12 region.

13 Q. Is that also referred to as Region 1?

14 A. Previously it was referred to as
15 Region 1.

16 Q. Okay. But now you call it the upstate
17 region?

18 A. That is correct.

19 Q. Okay. If I -- I'll try to call it
20 that, but if I say Region 1, you'll understand that
21 that's what I'm talking about?

22 A. I will, yes.

23 Q. Great. And can we -- can you run down
24 the list for me and let me know which of these CPAs
25 on the list here were -- are Region 1 -- or, sorry,

1 I already messed up, upstate region CPAs?

2 A. Can I also just mention that although
3 some of these are located in the upstate, they also
4 work statewide. Okay?

5 Q. Yes.

6 A. So --

7 Q. Okay.

8 A. So Church of God Home For Children are
9 in the upstate, Connie Maxwell. Epworth Children's
10 Home has a presence in the upstate. Family
11 Preservation is statewide, so is Growing Home.
12 Crosswell is Pee Dee. Miracle Hill Ministry,
13 upstate. New Foundations Home for Children,
14 upstate. Nightlight Christian Adoptions, upstate.
15 South Carolina Youth Advocate, statewide, so if
16 somehow you want to classify that.

17 South Carolina MENTOR is statewide.
18 Southeastern, upstate. Tamassee, upstate.
19 Thornwell, upstate. The Bair Foundation is
20 statewide but has an upstate presence. SAFY, which
21 is the same as Specialized Alternatives For Youth,
22 so it's listed out here a couple different ways,
23 they are statewide but has an upstate presence.
24 The Bair Foundation, statewide, has an upstate
25 presence as well.

1 Q. Okay. Great. So you said -- I think
2 you called it SAFY, is that the -- how it's
3 pronounced?

4 A. Yes. That's it. That's the acronym,
5 but it's Specialized Alternatives For Youth.

6 Q. And there's three lines I think that
7 look like they all refer to that CPA in some
8 capacity, right? There's SAFY, Inc., SAFY of South
9 Carolina, Inc. and Specialized Alternatives For
10 Children. That got cut off of it. So is that
11 all -- are those lines all referring to the same
12 entity?

13 A. Yes.

14 Q. Do you have any understanding of why
15 it's broken out into those three separate entries
16 on the chart?

17 A. I do not.

18 Q. Okay. In addition to the ones that you
19 mentioned there that serve either Region 1 in
20 particular or that are statewide, is Lutheran
21 upstate region CPA Lutheran Family Services?

22 A. Lutheran is primarily in the midlands,
23 but they may serve statewide.

24 Q. Okay. And then how about South
25 Carolina Church of God?

1 Q. Any other upstate area CPAs that
2 provide nontherapeutic services that we haven't
3 mentioned?

4 A. I don't -- I think of the ones we've
5 mentioned, that was it for the upstate.

6 Q. Great. I'm just going to walk through
7 that list that we just went over. And for each
8 one, if you can tell me when they began to the
9 extent -- you know, ballpark when they began
10 providing foster care services for Connie Maxwell.

11 A. They've got a longstanding history with
12 the Department and with the state, so it's been a
13 long time. Certainly more than 20 years.

14 Q. Okay. And how about Epworth?

15 A. The same. I think on their website
16 you'll see they're probably a 100-year history of
17 providing services to children throughout the
18 state.

19 Q. And Lutheran?

20 A. Lutheran has been licensed for a number
21 of years as well with the Department.

22 Q. Do you think ten years or more, less
23 than ten years?

24 A. Ten years or more.

25 Q. Okay. And how about Miracle Hill?

1 A. Longstanding, so long time, more than
2 20 years.

3 Q. What about Nightlight?

4 A. Nightlight is a newer licensed agency,
5 so less than ten years.

6 Q. And how about the Church of God Home
7 For Children?

8 A. They've been licensed for a few years,
9 probably around ten years.

10 Q. Okay. And then what about Thornwell?

11 A. Thornwell has a long -- longer history,
12 so more than ten.

13 Q. I just want to confirm. I know you had
14 mentioned that there were a couple of other CPAs
15 that worked in the upstate region. One of those is
16 called Tamassee, I believe. Is that a therapeutic
17 or a nontherapeutic CPA?

18 A. They are currently closed, but they
19 were a nontherapeutic.

20 Q. Okay. But they are not providing
21 foster care services right now, they're closed?

22 A. That is correct.

23 Q. Okay. And what about The Bair
24 Foundation, is that therapeutic or nontherapeutic?

25 A. They're both.

1 Q. And for about how long have they been
2 licensed as a CPA in South Carolina?

3 A. More than ten years.

4 Q. Okay. And then what about the entities
5 that we talked about earlier, the SAFY entities, is
6 that therapeutic or nontherapeutic or both?

7 A. They're providing both therapeutic and
8 nontherapeutic services and more than ten years.

9 Q. Perfect. You're asking the questions
10 for me now. This is great. Okay.

11 So can you describe for me generally
12 what role child placing agencies, private child
13 placing agencies, play in the foster care system in
14 South Carolina?

15 A. Sure. I'll talk about it in sort of
16 two roles. They're one as a child placing agency
17 as an entity itself, and so the agency would make
18 an application with the Department to become a
19 licensed child placing agency for the state.

20 In that request they are asking to be
21 considered for licensure to be able to provide
22 foster care services, meaning that they can
23 recruit, train, license families or make
24 recommendations for licensure to the Department.
25 That's the agency license. And that license for

1 the agency is renewable annually. So they have a
2 license that's good for one year and then they go
3 through the process again for the renewal.

4 The second part to that with the child
5 placing agencies is that they are recruiting
6 families or individuals who want to be licensed to
7 provide foster care services for children who are
8 in need of out-of-home placements or in need of
9 temporary foster care services. So those
10 individuals or families would make application to
11 one of those CPAs.

12 And they go through an application
13 process, submit the required documentations to be
14 reviewed, evaluated, and then the applicant or the
15 family, individual, submits to a home study process
16 in that one of the workers from the child placing
17 agency would meet with the family, conduct a
18 walk-through of the home, assess the family,
19 interview household -- applicable household
20 members, arrange for inspections through partner
21 agencies, like our state fire marshal as well as
22 our state health and sanitation for those
23 requirements.

24 The family would pass those
25 requirements and then the CPA would complete the

1 written home study assessment, submit that to the
2 Department or DSS and recommend the family for
3 licensure. DSS receives the information, reviews
4 it. And if they are in agreement or we are in
5 agreement with that, would issue the license for
6 that family for the CPA.

7 Q. Okay. Great. That's extremely
8 helpful. I'm going to ask some more -- some more
9 detailed questions about some of the steps of that
10 process.

11 So you mentioned that the private CPAs
12 will recruit families who are interested in being
13 foster families. How did they go about that
14 recruiting? What did they do to recruit potential
15 foster families?

16 A. Individual CPAs may do print media,
17 other communications, mail-outs, have workshops or
18 presentations in the community. So there are a
19 number of ways that they get information out to the
20 public about the need for foster parents or to be a
21 foster parent with a specific child placing agency.
22 They have billboards, there are yard signs, word of
23 mouth, speaking engagements, so there are a number
24 of ways that a CPA may go about asking for
25 individuals to become licensed with their agency.

1 Q. Do they ever recruit potential foster
2 parents like through particular communities, for
3 example, through a church or a house of worship?

4 A. They may, um-hum.

5 Q. How about in the LGBTQ community?

6 A. We do not restrict anyone from whatever
7 method of communication. So if they recruit
8 through a particular group, that's certainly
9 acceptable. We are looking for individuals who
10 want to foster and care for children that are in
11 need of placement.

12 So each CPA also develops an
13 individualized recruitment plan in terms of what
14 families they would like based upon what they see
15 as a need. And so we don't restrict a CPA from any
16 recruitment method or population or avenue for
17 recruitment. That's left to each CPA.

18 Q. Okay. And personally what percentage
19 of the foster families in South Carolina would you
20 say are recruited by private CPAs?

21 A. So probably an equal amount from the
22 Department as well as from private CPAs.

23 Q. Okay.

24 A. Or decide, you know, whether they want
25 to go to DSS or whether they want to go to one of

1 the CPAs, so I think it's pretty equal.

2 Q. It's about 50/50. Okay. All right.
3 We'll get back to the DSS role in a minute. So you
4 mentioned -- you mentioned some of the work that
5 the private CPAs would do to assist the families in
6 the application process to become -- to become
7 licensed, right? Do the CPAs help the families
8 complete the application?

9 A. That's left to the CPA. If they've
10 identified that the family needs assistance with
11 completing the application, they may.

12 Q. Okay. And I think you mentioned that
13 the private CPAs will actually perform the home
14 study or will do the home study themselves, is that
15 right?

16 A. Yes.

17 Q. Okay. And then the -- and then the
18 CPAs will take that information and ultimately make
19 a recommendation to DSS as to whether the foster
20 family should be licensed -- the prospective foster
21 family should be licensed, is that right?

22 A. That's correct.

23 Q. Okay. And am I right that it's only --
24 it's only DSS itself that can actually issue a
25 license to foster -- to a prospective family to be

1 a foster family?

2 A. Yes.

3 Q. The CPAs themselves can't actually
4 license the families to be foster families, right?

5 A. The CPAs do not issue a license. They
6 make a recommendation and submit that to DSS. DSS
7 is the entity for the state that issues foster
8 family licenses.

9 Q. And generally speaking does DSS tend to
10 follow the recommendations that it receives for --
11 from the private CPAs with respect to whether a
12 given family should be licensed as a foster family?

13 A. Yes. I will add there may be some
14 situations where the CPA has questions or are not
15 really sure, have concerns, they may discuss those
16 with my team and we will review the information.
17 They consult with our office of general counsel to
18 make a recommendation for the family moving forward
19 with licensure. But those are very, very few.

20 Q. Okay. So as a general -- sort of as a
21 general role, DSS will follow the recommendation
22 that comes from the CPA, but there may be some
23 instances where there would be questions or where
24 DSS would depart from the CPAs recommendation with
25 regard to licensing, is that fair?

1 A. That's fair.

2 Q. Okay. When they make their -- when
3 they make their recommendations to DSS with respect
4 to whether a prospective foster family should be
5 licensed, do you know whether CPAs take into
6 account factors like the family's religion?

7 A. That is a question that's asked in
8 terms of how important religion is to the applicant
9 and so that would be a part of the written home
10 study assessment that's submitted.

11 Q. Okay. So the home study would include
12 or would answer questions regarding what -- you
13 know, whether the family follows a particular
14 religion, whether they go to services, is that
15 the -- are those the type of questions that would
16 be -- would be considered?

17 A. It would be general questions like
18 that, yes.

19 Q. Okay. How about sexual orientation?
20 Are there -- are there questions as part of the
21 home study that go to the family's sexual
22 orientation?

23 A. What I'm aware of is that there is a
24 question about household composition. We look at
25 the relationship of the household members and

1 whether they are married, in a committed
2 relationship. That's how that's addressed on the
3 application, the home study and for our data
4 system.

5 Q. Okay. If a CPA, a private CPA, were to
6 recruit a family and to work with the family going
7 through the application process and the home study,
8 are there situations where they -- where a CPA
9 might determine not to recommend the family for
10 licensure with DSS?

11 A. Yes.

12 Q. And what -- what might be some of
13 the -- some of the reasons why a CPA would not
14 recommend a family for licensure?

15 A. A few reasons would be the medical, so
16 the applicants have to complete a medical
17 evaluation report. The physician completing that
18 or healthcare practitioner may not recommend the
19 applicant for various reasons. It may not be
20 advisable due to health conditions.

21 Another one could be related to
22 finances, for instance, in that the family expenses
23 exceed their income and it would not be recommended
24 for them to be licensed. Also, it could be
25 capacity in the home, that maybe there's not enough

1 bed space or household members own care needs may
2 exceed what would be time available for care and
3 all that is in foster care. So those would be some
4 of the reasons that a family may not be
5 recommended.

6 Q. Okay. And if -- if a CPA reaches that
7 determination during the process of working with
8 the family, does the CPA have to let DSS know,
9 basically say, hey, we have this family, we've
10 got -- you know, we went through the process but
11 we've determined not to recommend them?

12 A. They do not, but they do have to inform
13 the family of the reasons why they would not be
14 recommended for licensure.

15 Q. Okay. And the -- sort of the role that
16 the private CPAs play and the support that they
17 provide prospective foster families throughout the
18 application process, is that -- is that pretty
19 uniform or pretty standard across CPAs or are there
20 differences in the type of support that one CPA
21 might offer versus another?

22 A. I'm not aware of any differences for
23 the most part. I do know that they would work with
24 the applicants providing the home visits,
25 interviewing licensure. And then once the

1 applicant or family is licensed, going to the home,
2 meeting with the family -- meeting with the family
3 to offer support.

4 Q. Okay. I'm just looking at the -- at my
5 transcript here to make sure I got that.

6 A. Yeah, I saw where it was unstable. I
7 just didn't know if I needed to repeat.

8 Q. I see. So I believe you said I'm not
9 aware of any differences for the most part, I do
10 know that they would work with the applicants
11 providing the home visits, interviewing licensure,
12 and then once the applicant or family is licensed,
13 going to the home meeting with the family to offer
14 support.

15 A. Yes.

16 Q. So there's -- there are -- there's a
17 role that the CPAs fill after -- after the family
18 is licensed by DSS, is that right?

19 A. That is correct.

20 Q. And what -- how do they -- what type of
21 support do they typically provide after the
22 family's been licensed?

23 A. As part of the ongoing licensing
24 process, the family has an assigned -- for DSS it's
25 a family support worker for the CPA that's a family

1 worker that will visit with the family in the home
2 on a quarterly basis, but they may go more often
3 depending upon the needs of the family as well as
4 the children's place.

5 And it's an opportunity to meet with
6 the children, meet with the family to discuss any
7 concerns, to hear from them how things are going,
8 to answer questions, to make sure they are
9 connected to services and identify any unmet needs
10 to see what resources the family may need and then
11 also to see if there's been any changes that need
12 to be reported that may impact the continued
13 eligibility for licensure. So it's a means of
14 staying connected with the family to offer support
15 to the family as well as to any children that might
16 be placed.

17 Q. And is there a system in place by which
18 the CPA would report back to DSS about a given
19 family that has had a child placed with them and
20 how everything is going or is that not a formalized
21 process?

22 A. It is a formalized process in a couple
23 of ways. If there is a child placed, that there's
24 a foster care worker with the Department, so any
25 concerns about the child in the home will be

1 reported to the DSS foster care worker. If there
2 are concerns regarding the foster home in terms of,
3 say, any regulatory requirements, sanitary
4 conditions, those things would fall for licensure
5 and would be reported to the licensing worker.

6 So -- and then they also document
7 quarterly on a form, it's a standard form, about
8 the condition of the home, how the needs of the
9 child are being met, if there are any changes in
10 composition, in employment, any of those things
11 that would impact licensure.

12 So there's a formalized process where
13 information is shared and reported to the
14 Department, but at any time they can certainly pick
15 up the phone or e-mail any of those concerns, they
16 don't have to wait for those specific timeframes,
17 but it's an ongoing communication flow from the CPA
18 to DSS and vice-versa.

19 Q. Okay. And in addition to the sort of
20 regular contact that the CPA would have with the
21 family that it had recruited and that had been
22 licensed, every -- am I right that every foster
23 child has a DSS caseworker that's assigned to them,
24 is that right?

25 A. Yes.

1 Q. Okay. And that caseworker is -- as a
2 DSS employee is not affiliated with the private CPA
3 that might be involved with the family, right?

4 A. Yes, there's a DSS caseworker.

5 Q. Okay. And you had mentioned earlier, I
6 think we had said that about 50/50, about half of
7 the foster families in the state are recruited by
8 private CPAs and about half of them are recruited
9 directly by DSS, is that right?

10 A. Yes. Roughly, yes.

11 Q. Roughly. And how does -- how does DSS
12 go about recruiting families to serve as foster
13 families?

14 A. The Department fosters with the state
15 foster parent association, who also message the
16 need for foster families. They go about
17 information on social media, print media, other
18 groups that partner with the Department through
19 billboards, messaging, some of the same recruitment
20 efforts as our child placing agencies.

21 Q. Okay. And then what is the -- well,
22 just -- let me back up for a second.

23 Does DSS recruit through particular
24 communities, through churches or other houses of
25 worship, for instance?

1 completing the application process?

2 A. Overall statewide, we probably have
3 about 50 or so. We've had turnovers, so that's
4 across the state that are working either to
5 initially license the family and then the staff
6 that are there to support the family once they're
7 licensed.

8 Q. Okay. And how about in the upstate
9 region in particular, do you have a sense of that?

10 A. For the upstate, there's probably about
11 five, less than ten workers who are doing the
12 initial licensing and a supervisor as well as a
13 program coordinator that oversee that work.

14 Q. Okay. And so that group -- that group
15 of folks is handling we said about 50 percent of
16 the -- you know, the prospective foster families
17 that are being evaluated, is that right?

18 A. Right. The statewide, yes. But if you
19 want to compare that to the upstate region versus
20 what CPAs in the upstate are doing, then, yes, it's
21 about the equal amount of work.

22 Q. Okay. So the about 50/50 split that
23 we've talked about, that applies both statewide and
24 statewide upstate region in particular?

25 A. I won't say 50 percent upstate. I

1 don't have numbers for -- specific for upstate.

2 Q. Is it generally in that ballpark would
3 you say?

4 A. As compared to statewide or just to --

5 Q. Yeah.

6 A. -- upstate?

7 Q. As compared to -- I'm just trying to
8 understand for the upstate in particular how
9 much -- you know, how many families are being
10 recruited and working directly with DSS versus
11 working with the private CPAs.

12 A. I can't answer that right now. I don't
13 know.

14 Q. Okay. Do you have any reason to
15 believe that it's markedly different from that
16 50/50 split that we've talked about statewide?

17 A. I don't think it's markedly different.
18 I will say, though, that for the past year or so
19 we've only been doing the non-kin licensing, so
20 we're not right now even seeing the, you know --
21 we're only doing kin, I should say. The non-kin
22 are being referred to our CPAs, so those numbers
23 would look different now and so that's why the
24 50/50 split won't really apply today because of
25 that shift in our workload.

1 Q. Okay. So you said about a year or so
2 ago there was a change such that DSS is only
3 handling directly families that are interested in
4 providing kinship care? Did I get that right?

5 A. That's correct.

6 Q. Okay. And when we talk about kinship
7 care, what does that mean?

8 A. So the kinship care are those children
9 who are entering care and instead of going to an
10 unrelated individual or family, that the Department
11 would identify a relative or a next of kin, some of
12 the kin being someone who has a significant
13 relationship with the child, who knows that child
14 and is interested in being licensed to care for
15 that child to prevent going into an unrelated
16 foster family home.

17 Q. Okay. And so currently then and for
18 about the past year, families that were seeking to
19 become foster families outside of the kinship care
20 piece of it, they no longer have the opportunity of
21 working directly with DSS to go through the
22 application and licensing process, is that right?

23 A. The focus is that DSS would do the kin.
24 Now, if the family is unable to work with a CPA,
25 they certainly would come to DSS. I mean, we are

1 the entity that's responsible for licensing, would
2 have to, you know, have that as an avenue for
3 families as well, but our directive or guidance to
4 families is that they go with one of the child
5 placing agencies and then -- because our focus is
6 for the kin work. But if the family is unable to,
7 they can certainly come to DSS and we would work
8 with the applicant.

9 Q. What -- what would be a reason why a
10 family would be unable to work with a CPA?

11 A. I'm trying to think. I can't think of
12 a reason right now other than sometimes there's
13 personality conflicts and people just don't get
14 along. But, you know, we all have the same
15 regulations and guidance for applicants to work,
16 whether it's DSS or whether it's a child placing
17 agency, and so we have not had situations where
18 families were not able to go to a CPA since we've
19 made this change. And so, you know, I can't think
20 of a situation other than maybe folks just don't
21 get along.

22 Q. Okay. Fair enough. And so the numbers
23 that we talked to -- talked about before, that sort
24 of general statewide 50/50 split between families
25 that work with private CPAs and families that work

1 directly with DSS, that would have applied in the
2 period before this change where DSS is focused more
3 on the kinship care piece of it, right?

4 A. Yes. Yes, that's correct.

5 MS. JANSON: Okay. All right. Great.
6 So -- and, you know, we've been -- I think we've
7 been going -- I don't know what time we started,
8 but we've been going for, I don't know, an hour and
9 15 minutes or so. How are you -- how are you
10 feeling? Would you like to take a break now or
11 would you like to keep going for a bit?

12 THE WITNESS: I think we'll take a
13 break right now.

14 MS. JANSON: Okay. That sounds great.
15 Let's go ahead and take our first break then and --
16 it's 10:45, so why don't we plan to be back and
17 ready to go at 11:00?

18 THE WITNESS: Sounds good.

19 MS. JANSON: Okay. Great.

20 VIDEO TECHNICIAN: We are now going off
21 the record. The time is 10:45 AM.

22 (A recess transpired.)

23 VIDEO TECHNICIAN: We are now going
24 back on the record. The time is 11:03 AM.

25 BY MS. JANSON:

1 Q. Great. Okay. So just a couple things
2 I wanted to circle back to that we had touched on
3 before. When we talked about the list of CPAs,
4 there were a couple I just wanted to confirm
5 whether they provide nontherapeutic or therapeutic
6 services or both. And those that are new
7 foundations, do they -- which type of foster care
8 services do they provide or is it both?

9 A. Nontherapeutic.

10 Q. Okay. And how about South Carolina
11 Youth Advocate Program?

12 A. Both.

13 Q. Both? And are those both active in the
14 upstate region?

15 A. Yes.

16 Q. And then of the list that we went
17 through, and I'm just going to go through it
18 quickly, what I'd like to know for each of these is
19 whether they actually have an office located, you
20 know, a location located in the upstate region.

21 A. Okay.

22 Q. So Connie Maxwell?

23 A. Yes.

24 Q. Epworth?

25 A. Yes.

1 Q. So, for instance, Church of God Home
2 For Children, is that a -- is that a group home?

3 A. They are the child placing agency and a
4 group home.

5 Q. Okay. So they do -- they do both the
6 work that we've been talking about and -- and they
7 are a group home?

8 A. Yes.

9 Q. Okay. And all of the other ones on the
10 list, the upstate region CPAs providing
11 nontherapeutic foster care, they all work directly
12 with recruiting families and helping families get
13 licensed?

14 A. Connie Maxwell has a group home and a
15 CPA. Thornwell has a group home and a CPA. I
16 believe -- and Epworth has a CPA and a group home.

17 Q. Okay. And also for that same list,
18 I'll go through them -- I'll go through them each
19 one by one, but what I'm interested in knowing is
20 approximately how many foster families does each of
21 those CPAs have that are currently licensed that
22 they're currently working with that have foster
23 children placed with them right now. If I walk --
24 if I run through that list, will you be able to
25 give me a general sense of that?

1 A. Probably not. Not offhand today.

2 Q. Okay. Are there -- okay. All right.

3 We can -- we'll follow up on that. Okay.

4 And then we talked just -- we talked
5 briefly about how DSS assigns a caseworker to each
6 foster child within the system. Do -- am I right
7 that there is not a separate caseworker assigned by
8 a CPA to each child?

9 A. Correct. The CPA assigns a family
10 worker and so that worker is visiting the foster
11 family and seeing the child that's connected with
12 that family.

13 Q. Okay. And then you had described the
14 change that occurred, you know, about a year ago
15 such that DSS is focusing on the kinship care piece
16 as opposed to, you know, I'll call it traditional
17 foster care. Can you just explain to me why that
18 change took place?

19 A. So it was an effort to streamline some
20 of the processes and focus on the kinship care work
21 because we were wanting to have children connected
22 with their families as opposed to an unrelated
23 individual whenever possible as well as some
24 staffing issues for the Department and that our
25 work would be more focused for the kinship care.

1 And so for those children who we could
2 place with relatives, we could immediately license
3 with a provisional license and they wouldn't be
4 with an unrelated person while the family was
5 going -- the kin family was going through the
6 licensing process. And so that change occurred
7 effective July 2020, so it's been almost a year
8 through that process, but that -- that was the
9 reason to focus those efforts for the kinship care
10 and have children with their families.

11 Q. You mentioned there were some staffing
12 issues in the Department. What were those staffing
13 issues?

14 A. Turnover.

15 Q. Having some -- can you tell -- having
16 some DSS employees who worked with the recruiting
17 and supporting of foster families? Was there a
18 reduction in the number of staff members that DSS
19 had performing that work?

20 A. There was turnover on the foster care
21 side of the house. We -- and the licensing was
22 granted specific staff and positions to do the
23 kinship care work. So some of the work was just
24 shifted, if you will, to our initial -- what we
25 call our initial licensing team who would work with

1 families on the front end and so we had specific
2 staff assigned for kinship care.

3 Q. Okay. Was there a concern that DSS
4 staffing-wise wasn't able to handle the -- sort of
5 the number of families that were interested in
6 fostering or to do that recruiting and supporting
7 of foster families who were interested in the
8 traditional foster care as opposed to kinship care?

9 A. I don't think it was so much that the
10 Department couldn't handle that. It was more that
11 the agencies or the department's focus shifted to
12 the kinship care licensing and so wanted to direct
13 those efforts and staff towards the kinship care
14 licensing, and so this was an opportunity for the
15 CPAs, the child placing agencies, to do the non-kin
16 licensing.

17 Q. Okay. In general before that change
18 occurred where DSS was focused on the kinship care
19 piece, on average how long would you say it would
20 take for a foster family, a prospective foster
21 family, to -- to be licensed by DSS starting from,
22 you know, when they were initially recruited or
23 when they first expressed interest all the way
24 until when they were licensed to serve as a foster
25 family?

1 A. Sure. And so our tracking for time to
2 licensure begins at the point the family signs an
3 application. So they may have an interest six
4 months, 12 months prior when we're not tracking
5 that. But at the point that they sign an
6 application, the clock starts for us and we have
7 120 days to process an application for licensure.
8 That's per regulations.

9 And there are certainly circumstances
10 where an application would be stayed, meaning that
11 we wouldn't take action because of some requirement
12 that is outside of the family's control in getting
13 a document or a piece of information to us to
14 determine eligibility.

15 But on average, we were within that 120
16 days. At one point in time it was 112 days, others
17 was just right around that 120-day mark. And
18 again, that's when the point that the family signs
19 the application to the point that the license is
20 generated.

21 Q. Okay. And you said there are certain
22 situations when that time period might be stayed.
23 How often does that tend to happen?

24 A. It does not. The rare circumstance
25 would be if the family is, say, leaving another

1 now, so no thank you?

2 A. No.

3 Q. Okay. Has the list of CPAs that we
4 went through both with respect to the state as a
5 whole and the upstate region, has that group of --
6 or those groups of CPAs, has their makeup changed
7 significantly over the past five years or so?

8 A. And what do you mean by their makeup?

9 Q. Like are there times when new CPAs get
10 licensed and start performing foster care services?

11 A. Oh, yes. We have new child placing
12 agencies that inquire about licensure and some
13 become licensed, so there are some that's not
14 listed here that have been licensed that's the past
15 year.

16 Q. Are any of those newly licensed CPAs
17 ones that provide nontherapeutic foster care in the
18 upstate region?

19 A. No. And they have not -- they're so
20 new that they have not recruited any families to
21 become licensed yet, so we have not issued
22 individual family licenses, we have licensed the
23 agency itself. So the entity is licensed --

24 Q. Okay.

25 A. -- to work in South Carolina.

1 Q. Okay. And are there situations when a
2 CPA, I think we mentioned -- we mentioned one
3 before, I think, Tamassee, but are there situations
4 when a CPA would stop providing foster care
5 services in South Carolina?

6 A. Yes.

7 Q. And let's talk about CPAs just as an
8 example. Can you explain why they -- why they
9 stopped?

10 A. A CPA may elect on their own to
11 voluntarily end services. LifeShare, for instance,
12 ended services several years ago. They were a
13 smaller group and they just did not produce
14 families to sustain. And JusticeWorks was the
15 same. They were a smaller group that came into
16 South Carolina and just did not produce to be able
17 to be sustainable.

18 Q. And would you say it's relatively rare
19 that a CPA would decide to stop providing services
20 or, you know, how many times would you say that's
21 happened in, you know, ten years or so?

22 A. Probably on average maybe one a year or
23 so. And we usually see that with the newer ones
24 that start up and they generally don't make it past
25 the first year. And during that time, there's not

1 even the recruitment of families to license or take
2 through the process, so those are the ones that we
3 see close within that first year of being licensed.

4 The ones who've been in existence for
5 years tend to, of course, remain because they have
6 families, they have the resources to operate, but
7 the newer ones have not been able to sustain and
8 make it past the first year.

9 Q. Can you think of an example of a time
10 when a more established CPA had to close its doors
11 and stop providing foster care services?

12 A. I cannot.

13 Q. If that were to happen and the CPA had,
14 you know, a network of families that it was working
15 with and supporting, you know, in -- through the
16 application process as well as those that had been
17 licensed and it had to shut its doors or stop
18 providing foster care services, what would -- what
19 would DSS do to basically fill the gap left by the
20 closure of that -- of that agency?

21 A. And if I could go back and correct, I
22 just recall Neighbor -- I think it was Neighbor To
23 Family was a child placing agency that was in South
24 Carolina and they opted to close a few years ago
25 and they offered the families to go to another CPA.

1 And so the Department did work
2 alongside. The families had freewill, so they
3 chose. They were presented the names for each of
4 the licensed child placing agencies and then the
5 families themselves decided which agency they
6 wanted to transfer to. So I do recall that was
7 Neighbor To Family was the name of that child
8 placing agency.

9 Q. Okay. And so the families that had
10 been working with Neighbor To Family were given the
11 option of then moving to work with one of the
12 other -- one of the other CPAs. Is Neighbor To
13 Family Region 1 or is that a different area of the
14 state?

15 A. Different area of the state.

16 Q. Okay. But they were -- they were given
17 the opportunity to then affiliate with a different
18 CPA, is that right?

19 A. With a different -- with a different
20 CPA or with DSS. And some of them elected to
21 close, so that was an option for them as well.
22 They could go to a CPA, to DSS, but then some
23 decided not to continue licensing.

24 Q. When you say some of them decided to
25 close, you mean the foster families decided to stop

1 being foster families?

2 A. Yes.

3 Q. Okay. And was that the -- do you know
4 whether that was the case for just a few or?

5 A. I'm sure it probably was a few. If any
6 of them did that, it wasn't many. It wasn't a
7 large number of families with the Neighbor To
8 Family organization, and so I'm pretty certain it
9 was -- if there was any, it was just a few.

10 Q. Okay. And so generally those families
11 that had worked with Neighbor To Family were able
12 to -- to move to a different CPA or to DSS and to
13 continue serving as foster families?

14 A. Yes.

15 Q. When -- would the -- would there have
16 been any change in the caseworker relationships,
17 the DSS caseworker relationships, as a result of
18 the closure of a CPA like that?

19 A. No. For the child?

20 Q. Yes.

21 A. No, there would not. So the child
22 worker is assigned from DSS, so there wasn't a
23 change on the DSS side but certainly on the side of
24 the CPA, so they would have a new family worker
25 once they moved to a different child placing

1 agency, but DSS remained consistent.

2 Q. Okay. And when -- when a CPA closes
3 and stops providing foster care services for
4 whatever reason, what happens -- is the money that
5 would have gone to that CPA, the funding from the
6 government, is that reallocated to the existing --
7 to the remaining pool of CPAs?

8 A. So the payment is for reimbursement for
9 the child. So wherever that child is placed, the
10 money would then follow that child in placement.

11 Q. Okay. Now, have -- you know, I think
12 we've been talking about times when CPAs
13 voluntarily decide to cease providing foster care
14 services. Has DSS ever terminated a CPA's license?

15 A. DSS has not.

16 Q. Okay.

17 A. That I'm aware of. And since I've been
18 in my role, I'm not aware of any that's been
19 terminated.

20 Q. So that's -- and when you say your
21 role, do you mean your current role or your full
22 tenure at DSS?

23 A. Since 2011 I'm not aware of any CPAs
24 whose licenses were terminated by DSS.

25 Q. Okay. Great. Okay. We've talked --

1 we've talked a little bit about -- about Miracle
2 Hill Ministries so far. And Miracle Hill is a CPA
3 that provides nontherapeutic foster care in
4 Region 1, right?

5 A. That's correct.

6 Q. Prior to the filing of this lawsuit,
7 did DSS become aware that Miracle Hill was refusing
8 to work with prospective foster families because of
9 their religion?

10 A. During the license renewal period I
11 believe for the 2018 renewal, the licensing worker
12 in review of information that was submitted as well
13 as a review of their website, it was discovered
14 that there was information that could be considered
15 discriminatory.

16 Q. Okay. When you say review of
17 information that was -- that was submitted, that's
18 information that was submitted by Miracle Hill in
19 connection with its license renewing -- renewal
20 application?

21 A. Yes.

22 Q. And do you know what specific
23 information that was?

24 A. So documents like related to their
25 policy. We do a policy review if there are any

1 updates or whether looking for certain things, for
2 instance, related to disaster planning, how they
3 interact with families, what are their
4 requirements, staffing requirements.

5 And so the application is reviewed.
6 Information for staff, medical, background check
7 requirements, all of those documents are all
8 reviewed, and I believe it was found within their
9 policy as part of the license renewal that it was
10 discovered.

11 Q. Okay. And prior -- prior to that 2018
12 licensing renewal period, did DSS or had DSS ever
13 received a complaint from a family, an applicant,
14 who had been rejected by Miracle Hill because of
15 their religion?

16 A. Not that I'm aware of.

17 Q. And prior to the filing of this
18 lawsuit, did DSS become aware that Miracle Hill was
19 refusing to accept prospective foster parents
20 because of their sexual orientation?

21 A. No, just during the license renewal was
22 the information we found.

23 Q. But did that -- did that information
24 suggest to DSS that Miracle Hill was -- would
25 refuse to work with a prospective foster family if

1 they were a same sex couple or an LGBTQ individual?

2 A. That was not. I believe it was related
3 to religion.

4 Q. Okay.

5 MS. JANSON: Cris, why don't we put up
6 Tab 39.

7 MR. RAY: That exhibit has been
8 introduced.

9 MS. JANSON: What number are we on
10 here?

11 MR. RAY: That is 4.

12 (EXHIBIT 4, E-mail chain dated 3/16/18
13 to Chrysti E. Shain and Brian Symmes from Karen L.
14 Wingo, ROGERS_MCMMASTER_000028 to 000032, was marked
15 for identification.)

16 BY MS. JANSON:

17 Q. Okay. So we're introducing -- we're
18 marking as Exhibit 4 an e-mail chain that -- the
19 top e-mail in the chain is from Karen Wingo to
20 Chrysti Shain and Brian Symmes, subject line draft
21 response. It's dated March 16th, 2018 and it bears
22 Bates numbers Rogers_McMaster_000028 through 32.
23 Do you have that in front of you?

24 A. I do.

25 Q. Okay. You can feel free to scroll

1 through it and to familiarize yourself with it, but
2 I just want to ask you about the date at the top
3 e-mail in the chain.

4 A. Okay. I've read it.

5 Q. Okay. Have you seen this document
6 before?

7 A. I have not.

8 Q. And can you tell me who Karen Wingo is?

9 A. Karen Wingo is a former employee of DSS
10 and she's as listed there director of
11 communications and legislative affairs.

12 Q. So she no longer works with DSS?

13 A. That's correct.

14 Q. Okay. If you read -- if you read the
15 first paragraph of that e-mail, it says -- there's
16 a reference to Miracle Hill there. Do you see
17 that?

18 A. I do.

19 Q. Okay. And then when you read the
20 second paragraph, that reads: To our knowledge, no
21 other CPAs restrict services based on sexual
22 orientation of the foster or adoptive parents.

23 Do you see that?

24 A. I do.

25 Q. Okay. And the fact that it says no

1 licensed child placing agency to families who are
2 not specifically Christians from a Protestant
3 denomination.

4 Do you see that language there?

5 A. Yes.

6 Q. Looking back at Exhibit 8, the note to
7 file, would you agree with me that that summary of
8 the conversation on January 18th, 2018 does not
9 reflect that Beth Williams said Miracle Hill would
10 refuse to provide its services to families who were
11 not Protestant Christian?

12 A. That it does not reflect?

13 Q. Yeah.

14 A. I think it's -- it reflects. There
15 was -- it was nonresponsive, so that's the basis
16 for how this is crafted in -- in the letter that I
17 signed, that we did not have a clear indication
18 from Miss Williams.

19 Q. Okay. What -- the way -- the way I
20 read this is like you said, you know, Lauren posed
21 the question if she were an applicant and was not
22 comfortable giving a personal statement or if not
23 active in a church, would she be screened. Beth
24 did not answer the question posed.

25 So there's some ambiguity there. Does

1 that -- did that suggest that there were -- there
2 were other conversations between Miracle Hill and
3 DSS prior to when you sent the January 26th letter
4 during which Miracle Hill would have definitively
5 said we are not going to provide services to
6 non-Protestant Christian families?

7 A. I don't recall any conversation --
8 additional conversations with -- with me or with my
9 team.

10 Q. Okay. Okay. And then going back to
11 the January 26th, 2018 letter. On the second page
12 of that letter that is Exhibit 7, you -- the first
13 line on that page says: Such discrimination on the
14 basis of religion contravenes the following
15 regulations and policy.

16 And it goes through a number -- a
17 number of numbered -- numbered paragraphs there.
18 The first one makes reference to the South Carolina
19 Code of Regulations. Do you see that there?

20 A. I do.

21 Q. Okay. And then the second paragraph
22 references a couple of provisions from the Code of
23 Federal Regulation, is that right?

24 A. That is correct.

25 Q. And then the third paragraph -- or,

1 sorry, that would be the second answer of
2 paragraphs. Then the fourth paragraph references a
3 DSS policy, is that right?

4 A. That's correct.

5 Q. And then -- and then finally in the
6 paragraph below, there is a reference to Miracle
7 Hill's own policy which had been submitted in
8 support of its license renewal application, is that
9 right?

10 A. That is correct.

11 Q. Okay. With respect to the DSS policy,
12 it's referenced there as DSS Policy Section 710,
13 and it says -- it's quoted. It says: The agency
14 is committed to the exercise of nondiscriminatory
15 practice and shall provide equal opportunities to
16 all families and children without regard to their
17 religion.

18 Do you see that there?

19 A. Yes.

20 Q. Why is it that DSS prohibits
21 discrimination against foster families based on
22 their religion?

23 A. And it's one of the protected groups
24 and the Department wants to be inclusive to all
25 applicants who want to foster or -- and/or adopt

1 through the Department.

2 Q. Does DSS recognize that this
3 nondiscrimination policy serves to increase the
4 pool of available qualified families for foster
5 children?

6 A. I don't know that it increases the
7 pool, but it does allow individuals, whether they
8 are connected to a religious body or not, the
9 opportunity to apply.

10 Q. Does the policy enhance the diversity
11 of the pool of available foster families?

12 A. It does.

13 Q. So then at the end of -- the very last
14 line there on the bottom of the second page of the
15 letter, it says: The Department requests that
16 Miracle Hill address these concerns and issue a
17 written plan of compliance within 30 days of
18 receipt of this letter.

19 Do you see that?

20 A. I do.

21 Q. Did Miracle Hill ever address DSS's
22 concerns as they were articulated in the letter
23 that's Exhibit 7?

24 A. They did not submit to the Department a
25 corrective plan of action.

1 Q. All right. Did they ever -- did they
2 address the concerns that had been raised in any
3 other way?

4 A. No.

5 Q. Okay. And then -- let's see. Looking
6 back just at the first page of that letter in the
7 second paragraph at the bottom. It says: The
8 Department has determined that under these
9 circumstances it is appropriate to issue a
10 temporary CPA license pursuant to South Carolina
11 Code of Regulations and it gives the specific
12 provision.

13 Do you see where that is?

14 A. What page again?

15 Q. It's the first page of the letter in
16 the last sentence of the second paragraph.

17 A. First page, last sentence. I don't see
18 that.

19 Q. It's the second paragraph, the last
20 sentence, where it says: The Department has
21 determined that under these circumstances it is
22 appropriate to issue a temporary CPA license.

23 A. Yes, I see that.

24 MS. JANSON: Cris, can we mark Tab 9?

25 MR. RAY: That exhibit is introduced.

1 It should be Exhibit 9.

2 (EXHIBIT 9, Miracle Hill Ministries,
3 Inc. license, 10545-B-015, was marked for
4 identification.)

5 BY MS. JANSON:

6 Q. So we've marked as Exhibit 9 a document
7 Bates stamped 10545-B-015. And so, Miss Lowe, have
8 you -- do you recognize what this document is?

9 MR. RIDDLE: It's still loading.

10 THE WITNESS: It's still loading.

11 MS. JANSON: Still loading. Okay.

12 Sorry. Getting ahead of myself. Has that popped
13 up for you yet?

14 MR. RIDDLE: It still hasn't. There it
15 goes. Sorry. All right. You said Exhibit 9,
16 right?

17 MS. JANSON: That's right.

18 MR. RIDDLE: Still loading. All right.
19 There it goes. It's only one page.

20 BY MS. JANSON:

21 Q. Okay. So this is -- sorry. I think my
22 question was do you -- do you recognize this
23 document?

24 A. Yes, I do.

25 Q. Okay. And what is this?

1 one year?

2 A. That is correct. On the agency it is
3 good for one year. On the family homes, it's
4 two-year license.

5 Q. Okay. Yeah. On the CPA, yeah.

6 A. Um-hum.

7 Q. And are there -- if a CPA has a
8 temporary license like this one, is there -- are
9 there any -- are there any services that that CPA,
10 you know, can't provide under a temporary license
11 versus a permanent license?

12 A. No, they would continue to operate
13 while they made the corrections or provided the
14 information requested. If there were any
15 restrictions, it would be listed on the license.

16 Q. Okay. Are there any restrictions
17 listed on this license?

18 A. None.

19 Q. With respect to the letter that we've
20 been talking about, Exhibit 7, your January 26,
21 2018 letter to Beth Williams, did you -- did you
22 meet with DSS legal staff before -- well, I know
23 that you had met with Miss Davis before you sent
24 the letter, but did you meet with staff before
25 you -- before you actually drafted the letter?

1 A. Yes, I did.

2 Q. Okay. And was that Miss Davis also or
3 someone else?

4 A. Mr. Catone would have been the other
5 person.

6 Q. And apart from -- from legal counsel,
7 was there anyone else at DSS that you consulted
8 in -- consulted with in drafting the letter?

9 A. No.

10 Q. You didn't speak to the DSS director at
11 the time about the letter?

12 A. I did not directly. Mr. Catone may
13 have, but I did not.

14 Q. So with respect to the temporary CPA
15 license that is Exhibit 9 that was scheduled to
16 expire on July 26, 2018, what -- do you recall what
17 happened at that point? Was there another
18 temporary license that was issued?

19 A. Yes, there was another temporary
20 license that was issued.

21 Q. And would that have also been a
22 six-month temporary license?

23 A. Yes.

24 Q. And when DSS issued that second
25 temporary license, Miracle Hill had not

1 submitted -- addressed DSS's concerns or submitted
2 a compliance plan as requested in the letter,
3 right?

4 A. Miracle Hill had not.

5 Q. So why was it that DSS issued a new
6 temporary license if Miracle Hill had not addressed
7 the concerns that had been raised in your letter?

8 A. It was my understanding that we were
9 being directed from information from the Governor's
10 office. I believe there was some contact from
11 Miracle Hill and we were asked to issue another
12 temporary -- my area was asked to issue another
13 temporary license while the other information was
14 either being gathered or addressed, so I was not
15 involved in those conversations so I don't know
16 what specifically other than being asked to issue
17 a -- to extend the temporary license.

18 Q. So it's your understanding that DSS was
19 directed to issue a second temporary license to
20 Miracle Hill by Governor McMaster's office?

21 A. I don't know that it was from the
22 Governor's office. I know that my general counsel
23 directed me to issue the license.

24 Q. Okay. And that's Mr. Catone?

25 A. Correct.

1 Q. At some point after that second
2 temporary license was issued, was -- was Miracle
3 Hill then reissued a permanent CPA license?

4 A. They were then issued a standard
5 license.

6 Q. Okay. And do you know when that
7 took -- when that happened?

8 A. It would have been like January of
9 2019.

10 Q. Okay.

11 MS. JANSON: Cris, can we put that one
12 up? I don't have the tab number handy, but the
13 permanent license from January 29, 2019.

14 MR. RAY: Yeah, Kate, that's the
15 photograph, right?

16 MS. JANSON: Yes.

17 MR. RAY: Okay. Just one second.

18 MS. JANSON: I'm wondering if it's
19 going to take a minute because of the photo, it's
20 going to be a bigger file.

21 MR. RAY: Looks like it might.

22 MS. JANSON: I can try to just show you
23 this on my screen the way we've done before. Let
24 me see if that works. Okay. Can you see that?

25 THE WITNESS: Yes.

1 BY MS. JANSON:

2 Q. And this -- I apologize that it's --
3 that it's grainy. This is actually -- I zoomed in
4 a portion of a photograph and this was -- this was
5 produced to us and it bears Bates Number
6 Miracle_Hill_Subp_003817. We're going to mark this
7 as -- I think we're on Exhibit 10?

8 MS. JANSON: Is that right, Cris,
9 Exhibit 10?

10 MR. RAY: That's right.

11 (EXHIBIT 10, Photograph,
12 MIRACLE_HILL_SUBP_003817, was marked for
13 identification.)

14 BY MS. JANSON:

15 Q. Yeah. And I know it's a little bit
16 grainy, but does this appear to be the permanent
17 license that was issued to Miracle Hill in January
18 of 2019?

19 A. Yes, it is the license that was issued
20 as a standard license to Miracle Hill.

21 Q. Okay. And at the time that this
22 license was issued in January of 2019, had -- had
23 Miracle Hill submitted a compliance plan as
24 requested in the January 2018 letter?

25 A. No, they had not.

1 Tester.

2 A. Okay.

3 Q. And then we had -- we spoke earlier
4 about, you know, the role that the private CPAs
5 perform in the foster care system for South
6 Carolina. And I understand that one of the things
7 that as part of that role is to take the
8 prospective foster parents that they work with
9 through the application process to become licensed
10 through the home study process and then ultimately
11 to make a recommendation to DSS as to whether that
12 foster family should be licensed. Is that -- is
13 that a fair summary of what we talked about?

14 A. It is.

15 Q. And when a CPA makes that
16 recommendation to DSS that a particular foster
17 family should be licensed, are they making -- are
18 they essentially making a determination that
19 those -- that that -- those parents are suitable to
20 be foster parents?

21 A. They're making the recommendation that
22 they have met the requirements for licensure.

23 Q. And one of those requirements is that
24 they're, you know, suitable to serve as foster
25 parents, right?

1 A. Correct.

2 Q. Okay. And when -- when CPAs are doing
3 this -- this work, we discussed that they -- the
4 CPAs themselves have to be licensed by DSS,
5 correct?

6 A. That's correct.

7 Q. And that an agency can't perform this
8 type of work without a license from DSS, is that
9 correct?

10 A. That's correct.

11 Q. Okay. We also spoke briefly about
12 DSS's own nondiscrimination policy. And I think we
13 looked at it in the context of Exhibit 7, which is
14 the letter that you sent to Beth Williams of
15 Miracle Hill in January of 2018 and we talked about
16 how DSS Policy Section 710 prohibits discrimination
17 on grounds of religion.

18 Just a follow-up question that I had
19 there. Is part of the reason for DSS having that
20 policy because whether someone -- what faith
21 someone believes in, whether they follow no faith
22 at all, that that is unrelated to their ability to
23 be a good parent?

24 A. Yes.

25 Q. So there's no connection between

1 whether someone -- what faith somebody ascribes to
2 and whether they could be a good parent?

3 A. No.

4 Q. So has DSS ever become aware that any
5 other child placing agency apart from -- I'm going
6 to stop sharing my screen. We don't need to look
7 at these topics anymore. Sorry, everybody. There
8 we go. I'll start over.

9 Has DSS ever become aware that any
10 other CPA apart from Miracle Hill discriminates
11 against prospective foster parents on the basis of
12 their religion?

13 A. Not that I'm aware of.

14 Q. How about on the basis of sexual
15 orientation?

16 A. No, not that I'm aware of.

17 Q. Did DSS ever become aware that
18 Southeastern Children's Home discriminates against
19 prospective foster parents on the basis of their
20 religion?

21 A. Not that I'm aware of.

22 MS. JANSON: Cris, do you want to
23 show -- do you want to put up Tab 28 for me?

24 MR. RAY: That exhibit has been
25 introduced.

1 MS. JANSON: Okay. Great.

2 BY MS. JANSON:

3 Q. Before we look at that specifically, is
4 South -- is Southeastern Children's Home a private
5 CPA in South Carolina?

6 A. It is.

7 Q. Do you know -- do you know which region
8 it serves?

9 A. Upstate.

10 Q. It serves the upstate. Okay. And if
11 we take a look at that document in particular -- so
12 we've marked as -- are we on Exhibit 12?

13 MR. RAY: Yes, that's right.

14 MS. JANSON: 12. Okay.

15 (EXHIBIT 12, E-mail dated 10/30/19 to
16 [REDACTED] from Reid Lehman,
17 MIRACLE_HILL_SUBP_003524, was marked for
18 identification.)

19 BY MS. JANSON:

20 Q. We've marked as Exhibit 12 an e-mail
21 from Reid Lehman to -- it looks like someone with
22 an e-mail address [REDACTED] dated October
23 30th of 2019.

24 Have you seen this document before,
25 Miss Lowe?

1 A. I have not.

2 Q. Okay. Take a minute to scan over it
3 and then I'll ask my questions.

4 A. Okay.

5 Q. So in that -- I guess it's the third
6 paragraph down here, Mr. Lehman asks of the
7 recipient of the e-mail, who it looks from the
8 e-mail address is, you know, someone affiliated
9 with Southeastern Children's Home. He says: Would
10 you be -- Robert, would you be willing for me to
11 tell -- sorry. Let me back up.

12 First sentence of the e-mail,
13 Mr. Lehman says Michael Leach will be coming to
14 tour portions of Miracle Home Ministries next
15 Tuesday.

16 Michael Leach is the current director
17 of DSS, right?

18 A. Yes.

19 Q. And then in the third paragraph
20 Mr. Lehman writes: Would you be willing for me to
21 tell him, him being Michael Leach, that
22 Southeastern Children's Home and your board's
23 expectation that you'll recruit only among the
24 churches of Christ.

25 Do you see that there?

1 2018 between Richele Taylor, chief legal counsel,
2 Governor McMaster's office, Beth Williams and Reid
3 Lehman, and it's Bates stamped
4 Rogers_McMaster_00000 -- I think that's the right
5 number, 01 to 3.

6 Is this a document that you've seen
7 before, Miss Lowe?

8 A. I have not.

9 Q. No. Okay. If you look at the
10 beginning of the top of the second page, this is --
11 this is Beth Williams writing to Richele Taylor.
12 And she says: I want to thank you for meeting with
13 Miles and I yesterday regarding the issue between
14 Miracle Hill Ministries and South Carolina
15 Department of Social Services.

16 Do you see that?

17 A. I do.

18 Q. And the reference there to Miles, I
19 believe it's to -- is to Miles Coleman, who is here
20 today. At the time I believe he was counsel for
21 Miracle Hill just to give you the context.

22 Was -- was DSS aware that there had
23 been a meeting between Miracle Hill, its counsel
24 and Governor McMaster's counsel to discuss the
25 issue between Miracle Hill Ministries and DSS?

1 A. Was DSS aware?

2 Q. Yes. It indicates --

3 A. If I'm reading this, it's like DSS was
4 a part of this meeting?

5 Q. Where -- where do you see that in the
6 document?

7 A. Okay. I misread that part, the first
8 instance. So it was a meeting with Miles and then
9 about the issue between Miracle Hill and DSS.

10 Q. Okay.

11 A. But no, I was not aware of the meeting.

12 Q. So to your knowledge DSS was not
13 invited to attend the meeting?

14 A. I'm not aware of that.

15 Q. Okay. And did DSS ever -- ever have
16 any conversations with anyone at Governor
17 McMaster's office regarding the issues in the
18 letter to Miracle Hill that are referenced here in
19 Exhibit 16?

20 A. I was not involved in any of those. If
21 anybody from DSS, it would have been our general
22 counsel.

23 Q. But you're not -- you're not sure
24 whether or not there were conversations?

25 A. I'm not.

1 Q. Okay. Do you know if there had been
2 such conversations, would there likely to be
3 documents that -- that would reflect those
4 discussions?

5 A. I don't know.

6 Q. Okay. And earlier we talked about how
7 DSS issued Miracle Hill a couple of temporary
8 licenses and then ultimately in January of 2019
9 issued Miracle Hill a permanent license at Governor
10 McMaster's direction, right?

11 A. A standard license, yes.

12 Q. And had Governor McMaster not
13 intervened, would -- would DSS have required
14 Miracle Hill to issue and implement the compliance
15 plan that DSS requested in your January 26, 2018
16 letter to Miracle Hill?

17 MR. COLEMAN: Object to the form of the
18 question.

19 COURT REPORTER: Was that you, Miles?

20 THE WITNESS: Yes.

21 COURT REPORTER: Miles, was that you?

22 MR. COLEMAN: Yeah, that was me.

23 BY MS. JANSON:

24 Q. And that letter which again we marked
25 as an Exhibit 7 -- Exhibit 7, your letter to

1 Miracle Hill from January of 2018, that letter
2 indicates that DSS intended to enforce the
3 nondiscrimination regulations and policies
4 mentioned in the letter as to Miracle Hill, right?

5 A. Yes.

6 Q. And there's nothing in the letter that
7 would suggest that DSS intended to waive those
8 nondiscrimination requirements with respect to
9 Miracle Hill, right?

10 A. That's correct.

11 Q. Okay. Okay. So next I want to look at
12 Tab 13 if we can.

13 MR. RAY: That exhibit has been
14 introduced.

15 (EXHIBIT 17, Letter dated 2/27/18 to
16 The Honorable Steven Wagner from Henry McMaster,
17 10545-B-024 to 10545-B-025, was marked for
18 identification.)

19 BY MS. JANSON:

20 Q. Let me know when you have that.

21 MR. RIDDLE: There it is.

22 THE WITNESS: Okay. I have it.

23 BY MS. JANSON:

24 Q. Great. So we're marking as Exhibit 17.
25 This is a letter dated February 27, 2018 to Steven

1 Wagner at the Administration For Children and
2 Families at the U.S. Department of Health and Human
3 Services from Governor Henry McMaster of South
4 Carolina and it's Bates stamped 10545-B-024 through
5 25. I'll give you a second to read through this,
6 but have you seen this document before?

7 A. I have seen this one.

8 Q. You have. And when have you seen it?

9 A. Probably either the day it was issued
10 and sent to us or shortly thereafter.

11 Q. Okay.

12 A. So in 2018.

13 Q. If you want to take just a second to
14 scan through it, feel free to do that and then I'll
15 direct you to the parts that I'm interested in.

16 A. Okay. I've read it.

17 Q. Okay. Great. So if you look on the
18 last paragraph of the letter about halfway through,
19 Governor McMaster writes: I ask that the
20 Department provide a deviation or waiver from its
21 current policy to recruit -- recoup grant funds
22 from DSS if the Department determines the new
23 regulations are violated by any DSS CPA contracts
24 due to religiously held beliefs.

25 Do you see that there?

1 Tony Catone maybe.

2 Q. Okay. And I think we said earlier
3 Karen Wingo doesn't work with DSS anymore, is that
4 right?

5 A. That's correct, she no longer works at
6 DSS.

7 Q. Okay. Does -- so does the fact that
8 DSS was, according to this, working with Governor
9 McMaster to obtain a waiver from the feds, does
10 that represent a change in DSS's position with
11 respect to Miracle Hill's treatment --
12 discriminatory treatment of certain prospective
13 foster parents?

14 A. I don't -- I don't know the answer to
15 that.

16 Q. Okay. So as we talked about before,
17 about less than a month before this, this is
18 February of 2018, and in January of 2018 you sent
19 Exhibit 7, the letter to Beth Williams, that
20 revoked Miracle Hill's standard license and
21 indicated that Miracle Hill was in contravention of
22 certain nondiscrimination policies, is that right?

23 A. That's correct.

24 Q. Okay. And one of the regulations you
25 indicated in your letter that Miracle Hill was in

1 contravention was that -- is that a federal
2 nondiscrimination regulation, is that right?

3 A. That's correct.

4 Q. Okay. And in your letter you indicated
5 that DSS would issue Miracle Hill a temporary
6 license, right?

7 A. Yes.

8 Q. And you asked that Miracle Hill address
9 the issues raised in the letter with respect to its
10 discriminatory treatment of prospective foster
11 parents based on religion and you asked that they
12 submit a compliance plan, is that right?

13 A. Yes.

14 Q. Okay. So what I'm trying to understand
15 is why did DSS go from taking that position and
16 taking those steps to address what it understood to
17 be discriminatory practices by Miracle Hill against
18 prospective foster parents based on religion to now
19 as requested in this document working with the
20 Governor's office to obtain a waiver from the
21 federal nondiscrimination regulations that applied
22 to Miracle Hill?

23 A. And I don't know the answer to that.

24 Q. Okay. And you think the person who
25 would know the answer to that is Mr. Catone?

1 A. That would be my recommendation.

2 Q. Okay. Do you know -- do you know
3 whether at any time Governor McMaster's office
4 inquired of DSS or asked DSS whether the waiver
5 that it was asking, requesting in Exhibit -- now
6 I've lost track of my numbers. Exhibit 17, I
7 believe.

8 Let me start that over. Did Governor
9 McMaster's office ever ask DSS whether the waiver
10 that it was requesting in Exhibit 17 from HHS
11 would, if granted, have an impact on foster care
12 services in South Carolina?

13 A. I don't know that.

14 Q. You don't know. Okay. Did -- did DSS
15 ever study -- conduct any studies or otherwise
16 consider what effects this -- the waiver that's
17 being requested in Exhibit 17 would have on the
18 South Carolina foster care system if granted?

19 A. There were no studies conducted.

20 Q. Was that ever anything that was
21 discussed at DSS?

22 A. Not that I'm aware of.

23 Q. And there weren't any studies conducted
24 by DSS regarding what effects this waiver if
25 granted would have on children in foster care in

1 South Carolina in particular, right?

2 A. No studies were conducted.

3 Q. All right. If we can look back at -- I
4 can't remember which exhibit this one is. I think
5 it's Exhibit 6. Okay. Yep. Exhibit 16. This is
6 the e-mail chain between Beth Williams and Richele
7 Taylor from February 21st, 2018. And on the first
8 page there in the second paragraph --

9 A. We're still getting it.

10 Q. I'm sorry.

11 A. No problem.

12 Q. I'm getting ahead of myself.

13 A. Okay. I have it. 16.

14 Q. And then if we look -- if we look on
15 the second page of that, second paragraph there,
16 Beth Williams is writing and she says: I willingly
17 admit my ignorance on this issue and wanted to ask
18 if the deviation that HHS may grant will cover all
19 faith-based foster care providers in South Carolina
20 or just Miracle Hill. We have many colleagues in
21 other faith-based agencies in the state that are
22 providing foster care. The desire of Miracle Hill
23 is that all faith-based child placing agencies will
24 be covered under this deviation until legislation
25 can hopefully be changed.

1 Do you see that?

2 A. Yes.

3 Q. Okay. And we discussed earlier that
4 Miracle Hill is -- is not the only CPA in South
5 Carolina that discriminates against potential
6 foster parents on the basis of religion, right?

7 MR. COLEMAN: Object to the form of the
8 question.

9 THE WITNESS: So yes, based on the
10 information that was presented here today, yes.

11 BY MS. JANSON:

12 Q. Okay. And in the response here on Page
13 1, Richele Taylor's responding to Beth Williams of
14 the e-mail. The second paragraph there, she says:
15 The letter will request a deviation for all
16 faith-based agencies.

17 Do you see that?

18 A. I do.

19 Q. Do you know whether -- whether anyone
20 at DSS consulted with any child welfare experts
21 about the potential impact of the waiver that
22 Governor McMaster requested, if granted, the
23 potential impact of that on the foster care system
24 in South Carolina?

25 A. I'm not aware that DSS did.

1 Q. Okay. Do you know whether it was the
2 position of -- whether it is the position of
3 Michael Leach that Miracle Hill was the only CPA in
4 South Carolina that needed the waiver that Governor
5 McMaster requested in Exhibit 17?

6 A. Miracle Hill was the only agency that
7 we were aware of that was requesting it.

8 Q. Do you know if DSS faced political
9 pressure to help ensure that Miracle Hill could
10 obtain an exemption or a waiver from the
11 nondiscrimination policies and regulations that you
12 flagged in your January 2018 letter?

13 MR. RIDDLE: Object to the form of the
14 question. This is Jonathan. You can answer.

15 THE WITNESS: Okay. What was the
16 question again?

17 BY MS. JANSON:

18 Q. Yeah. It was not a good question. It
19 was not a good question. Let me try again.

20 Do you know whether there were any --
21 well, I guess start with South Carolina citizens,
22 for instance, that -- that breached that -- that
23 contacted DSS and requested that some sort of
24 exemption or waiver be provided to Miracle Hill to
25 allow it to continue its foster care work while

1 discriminating against potential foster parents
2 based on religion?

3 A. I'm not aware.

4 Q. Are you aware of whether there was any
5 sort of political pressure from -- from
6 politicians -- state-level politicians, folks in
7 federal government, to that end?

8 A. I'm not aware of any.

9 Q. Okay. Did you know whether HHS, the
10 U.S. Department of Health and Human Services --
11 I've been referring to it as HHS. You understand
12 it to be -- to be that?

13 A. Yes.

14 Q. Okay. Do you know whether HHS
15 ultimately granted the waiver that Governor
16 McMaster requested in Exhibit 17?

17 A. Yes.

18 Q. And -- and did HHS grant the waiver?

19 A. I believe that's where the letter came
20 from, yes.

21 Q. Okay. Why don't we take a look at
22 that.

23 MS. JANSON: That will be Tab 23, Cris,
24 if we can mark that.

25 MR. RAY: That's Exhibit 19 and that's

1 been introduced.

2 (EXHIBIT 19, Letter dated 1/23/19 to
3 Governor Henry McMaster from Steven Wagner,
4 Rogers_McMaster_000444 to 000447, was marked for
5 identification.)

6 MS. JANSON: Great.

7 MR. RIDDLE: We're loading.

8 BY MS. JANSON:

9 Q. Okay. Oh, sorry. Let us know when
10 you've got it.

11 A. Okay. I have it.

12 Q. Okay. So we've marked as Exhibit 19 a
13 letter dated January 23rd, 2019 from Steven Wagner
14 at the Administration For Children and Families to
15 Governor McMaster. Have you -- have you seen this
16 document before?

17 A. I have seen this document.

18 Q. And when have you seen it?

19 A. Shortly there in 2019.

20 Q. Okay. Do you want to take a minute to
21 scan through it? I'll direct you to the -- to the
22 portions I'm interested in.

23 A. Okay. Okay.

24 Q. Okay. So if you -- if you skip -- if
25 you skip ahead to the last page of the letter,

1 it's -- it has the Bates stamp ending 447, the top
2 paragraph there.

3 It says: HHS is hereby conditionally
4 granting the requested exception from the religious
5 nondiscrimination requirement of 45 CFR, Section
6 75.300(c). Do you see that there?

7 A. I do.

8 Q. And is that -- that provision that's
9 cited there, 45 CFR 75.300(c), is that the same
10 federal regulation that you had listed in your
11 January 2018 letter?

12 A. I believe that would be. I'd have to
13 look back at that letter to say for certain, but...

14 Q. That one is Tab 7.

15 MS. JANSON: And are you able to pull
16 that up real quickly just so we can confirm that
17 that's the same provision?

18 MR. RAY: There we go.

19 BY MS. JANSON:

20 Q. Okay. So if you look at the second
21 page of that letter, the paragraph marked 3, it
22 says 45 CFR 75.300(c) prohibits discrimination on
23 grounds of religion.

24 So that's that same -- same federal
25 regulation being -- being referenced in the letter

1 from Steven Wagner that we just marked as Exhibit
2 19, right?

3 A. That is correct.

4 Q. Okay. And then looking back at Exhibit
5 19, the language there that I was reading goes
6 on -- goes on to say that the exception applies
7 with respect to Miracle Hill or any other
8 subgrantee in the South Carolina foster care
9 program that uses similar religious criteria in
10 selecting among prospective foster parents.

11 Do you see that?

12 A. Getting back to that one. I do.

13 Q. Okay. So that means that in addition
14 to Miracle Hill, any other CPA in South Carolina
15 that discriminates based on the religion of
16 prospective foster parents is able to take
17 advantage of this waiver, right?

18 A. Yes.

19 Q. And so based on our discussion before,
20 that would -- that would include Southeastern
21 Children's Home, right?

22 A. Yes.

23 Q. Okay. And would that include the CPA
24 that we spoke about, we didn't know which one it
25 was in particular, but it indicated in the document

1 Then that would be something outside of a child
2 being placed with one of their families.

3 Q. So what -- can you give me an example
4 of what -- what other services might be -- might be
5 covered by a contract?

6 A. So a contract could be in place for
7 providing behavioral modification services or
8 what's commonly called BMOD services. And that
9 would be they could provide an individual to do
10 supportive services or mentoring services. They
11 could also do -- have a contract to do diagnostic
12 assessments. So there's different contracts and
13 different provisions of services by different child
14 placing agencies.

15 Q. Okay.

16 A. Foster family licensing is just one
17 component.

18 Q. Okay. But there's no limitation in
19 South Carolina that says there can only be 20 CPAs
20 that provide foster family licensing services, for
21 instance?

22 A. No. There's no limitation.

23 Q. Okay. Okay. And since the waiver that
24 we've been talking about -- which I've now lost.
25 Where is it?

1 The waiver that we -- I think we marked
2 as Exhibit 19, the waiver that was granted from HHS
3 to South Carolina, since that waiver was granted
4 has DSS experienced any drop in the number of
5 potential foster parents seeking licensure?

6 A. We have not. It's been pretty steady
7 in terms of applications to licensure, so there's
8 not been a significant change.

9 Q. And is that -- does that apply both to
10 families that were seeking to be licensed directly
11 through DSS -- to work with DSS through the
12 licensing process versus families that were working
13 with private CPAs?

14 A. That's correct.

15 Q. Okay. Has DSS experienced any -- any
16 change in the number of prospective foster parents
17 that are referred to DSS from private CPAs?

18 A. We've not received a significant
19 number, particularly since we've changed to doing
20 the kinship care licensure. But during the time
21 period before we made the switch, the number of
22 applications we do see a decline.

23 Q. And thank you for the clarification. I
24 should have -- I should have made that clear, you
25 know, that we're talking about the period following

1 when the waiver was granted until before when DSS
2 made the shift to focusing on the kinship care.

3 You said you did -- you have seen --
4 you have seen -- you saw during that period since
5 after the waiver was issued, you saw a decline in
6 the number of applications that DSS received from
7 prospective foster parents?

8 A. Overall. So I believe, if I remember,
9 in '18 it went up a little bit, but then it's been
10 declining '19 and certainly during 2020 there was a
11 decline.

12 Q. And is that just the number -- a
13 decline in the number of applicants that have gone
14 through the application and home study process
15 directly with DSS or is that total, including
16 coming from -- including those who would have gone
17 through the licensing process through the private
18 CPA?

19 A. That's total.

20 Q. Total. Before Governor McMaster's
21 office intervened in the issue between DSS and
22 Miracle Hill with respect to Miracle Hill's
23 license, was DSS prepared to end its relationship
24 with Miracle Hill as a -- as a licensed CPA if
25 Miracle Hill did not comply with the requirements

1 set forth in your January 2018 letter?

2 A. DSS was prepared to terminate the child
3 placing agency license.

4 Q. So we've generally been speaking in
5 your capacity as a representative of DSS. I have a
6 few questions I wanted to ask you just in your
7 personal -- in your personal capacity.

8 And one of those is: Have you
9 personally -- have you ever had conversations with
10 others at DSS or with leadership at DSS about how
11 allowing CPAs to exclude families based on their --
12 their religious beliefs would impact the pool of
13 foster parents available in South Carolina?

14 A. I have not.

15 Q. You have not. Okay. And are you
16 generally aware of if some of the professional
17 standards that govern in the -- in the field of
18 child welfare?

19 A. Yes.

20 Q. And -- and are those standards
21 generally the ones published by CWLA or the Child
22 Welfare League of America?

23 A. Yes.

24 Q. Okay. And does -- and you're familiar
25 with CWLA?

1 A. I am.

2 Q. Okay. And you're familiar with those
3 standards?

4 A. Yes.

5 Q. And are the -- are the standards
6 referred to as the CW -- CWLA standards of
7 excellence?

8 A. Yes.

9 Q. And does DSS use the CWLA standards of
10 excellence as a guide in its -- in its work in
11 foster care and in licensing foster parents?

12 A. Yes, that's -- refers or talks about
13 the standards in its work and some of its
14 practices. It also talks about best interests of
15 children, and so those are some of the guiding
16 principles.

17 Q. Okay. And are you aware that there's a
18 CWLA standard that opposes discrimination against
19 foster parents based on their religion, sexual
20 orientation or other characteristics that are
21 unrelated to the ability to care for a child?

22 A. Yes, ma'am.

23 Q. And do you -- do you generally agree
24 with that -- with that standard?

25 A. I do.

1 Q. And do you agree that that standard
2 furthers the best interests of children in foster
3 care?

4 A. Yes. Yeah.

5 Q. And in your experience in the child
6 welfare field, do you believe that allowing private
7 agencies, private CPAs, to exclude families based
8 on the agency's religious objections either to the
9 family's religion or to their sexual orientation,
10 do you believe that that has an impact on the pool
11 of families that are available for children?

12 A. I believe that there are certain
13 restrictions that would limit the number of
14 families who could go through the process to become
15 licensed and offer their home and services for
16 children in care.

17 Q. Do you think it has a detrimental
18 impact on children in foster care when CPAs can
19 exclude families based on religious objections?

20 A. I don't think that in and of itself has
21 a detrimental impact for children in care. I think
22 it does limit the number and availability that
23 could be, you know, realized for children who are
24 in need of out-of-home placement.

25 Q. Okay. If a family -- and again, I'm

1 asking in your personal capacity. If a family who
2 is interested in being a foster family goes to a
3 CPA and faces discrimination in -- in that process,
4 they're turned away, can you necessarily count on
5 them to apply to be a foster parent through a
6 different CPA?

7 MR. COLEMAN: Object to the form of the
8 question.

9 THE WITNESS: Families are aware that
10 there are a number of agencies that are available
11 that they can apply through to become licensed or
12 that they could consult with the Department of
13 Social Services.

14 BY MS. JANSON:

15 Q. Do you -- do you think families are
16 necessarily aware of the particular beliefs or
17 requirements of any given CPA?

18 A. They may not be until they've either
19 done research or talked with others. I think on
20 the surface, just with the name, they wouldn't know
21 about a specific agency.

22 MS. JANSON: Okay. I think we are -- I
23 think we are getting -- not making any promises,
24 but I think we're getting to the end, so thank you
25 very much for bearing -- bearing with me. Okay.

1 So Cris, why don't we mark Tab 16.

2 MR. RAY: That's Exhibit 20 and that
3 has been introduced.

4 (EXHIBIT 20, Office of the Governor
5 Executive Order No. 2018-12, Rogers_McMaster_000013
6 to 000015, was marked for identification.)

7 BY MS. JANSON:

8 Q. Great. Just let me know when that
9 comes up for you.

10 MR. RIDDLE: Doing it right now.

11 THE WITNESS: Okay. I have it.

12 BY MS. JANSON:

13 Q. Okay. So this is Exhibit 20 and this
14 is a Executive Order Number 2018-12 dated March
15 13th, 2018 and it's Bates numbered
16 Rogers_McMaster_000013 through 15. Have you seen
17 this document before?

18 A. Yes, I have.

19 Q. And when have you seen it?

20 A. In -- shortly thereafter it was issued
21 in 2018.

22 Q. Okay. And -- and this was -- just in
23 terms of timing, this was issued relatively shortly
24 after Governor McMaster sent his letter to DSS
25 requesting the waiver, right?

1 A. Yes, that would be correct.

2 Q. And do you see -- I'm skipping ahead to
3 the third page of the document, the first paragraph
4 that's now, therefore, and then part way through
5 that sentence it reads: I direct that DSS shall
6 not deny licensure to faith-based CPAs solely on
7 account of their religious identity or
8 sincerely-held religious beliefs.

9 Do you see that?

10 A. I do.

11 Q. And since Governor McMaster issued the
12 executive order, has DSS denied licensure to any
13 faith-based CPAs?

14 A. DSS has not.

15 Q. Has DSS denied licensure to any
16 faith-based CPA -- I'm sorry, to any CPA, not
17 faith-based?

18 A. DSS has not denied licensure to any CPA
19 that has submitted required documents for
20 licensure.

21 Q. And before this executive order was --
22 was issued, had DSS ever denied licensure to any
23 faith-based CPA that met the applicable
24 requirements?

25 A. No, there was none that fell within

1 this timeframe.

2 Q. And if you see in that same paragraph
3 right after where I stopped reading, it continues:
4 I hereby direct DSS to review and revise its
5 policies and manuals in accordance with this order
6 and ensure that DSS does not directly or indirectly
7 penalize religious activity -- identity or activity
8 in applying -- and it lists specific sections of
9 the South Carolina Code of Regulations with regard
10 to licensure for foster care.

11 Do you see that there?

12 A. I do.

13 Q. Did -- did DSS make any changes to its
14 policies or manuals in response to this executive
15 order?

16 A. We did not make any changes to policy.

17 Q. Did you make any -- were there any
18 changes made by DSS to manuals?

19 A. No, not to policies or manuals.

20 Q. Okay. And during the period of time,
21 you know, that we have been discussing, has DSS
22 made any other changes to its policies or manuals
23 even if not specifically in response to the
24 executive order?

25 A. We have not.

1 Q. And then has -- did DSS make any
2 changes to the relevant provisions of the South
3 Carolina Code of Regulations in response to
4 Governor McMaster's executive order?

5 A. Not in response to the Governor's
6 order, we have not.

7 Q. Any other -- any changes for any other
8 reasons?

9 A. Just the regulatory review period for
10 updating regulations, which was just done this last
11 past legislative session that won't go into effect
12 until the fall of 2021 and as a part of the Family
13 First Prevention Services Act, so that's the reason
14 the regulations were updated, to comply with Family
15 First.

16 Q. Okay. Are those regulations
17 specifically related to -- to foster care services
18 or no?

19 A. It is related to foster family
20 licensure and -- and we also updated our group home
21 regulations, but certainly to Foster Family to
22 comply with the Family First Prevention Services
23 Act, another federal requirement.

24 Q. Okay. All right. Do those -- do those
25 revisions have anything to do with religion,

1 religious identity or activity with respect to
2 CPAs?

3 A. No. There was no change with respect
4 to religion.

5 Q. We're going to switch to a totally
6 different topic now, which shouldn't take too long,
7 but can we --

8 MS. JANSON: Cris, can we mark Tab 33?

9 MR. RAY: That exhibit has been
10 introduced.

11 (EXHIBIT 21, Plaintiffs' First Set of
12 Requests For Production to Michael Leach, was
13 marked for identification.)

14 MS. JANSON: Great. I think this is
15 Exhibit 21, right?

16 MR. RAY: That's right.

17 BY MS. JANSON:

18 Q. All right. So let me know when you --
19 when you have that in front of you.

20 A. I will.

21 Q. Great.

22 A. Okay. I have it.

23 Q. Okay. Great. So this is -- we're
24 marking this as Exhibit 21. This is Plaintiffs'
25 First Set of Requests for Production to Michael

1 Leach that was served on June 4th, 2020.

2 Have you ever seen this document
3 before?

4 A. I don't think I've seen this one.

5 Q. Okay. So this is -- this is a series
6 of document requests that the Plaintiffs in this
7 litigation served on Director Leach.

8 Were you involved -- were you --
9 personally were you involved in any efforts by
10 Director Leach or anyone at DSS to search for,
11 collect and produce documents in response to these
12 requests?

13 A. I'm just looking at this now. Where
14 does the request appear?

15 Q. So the actual requests themselves start
16 on Page 9 of the document.

17 A. Okay. I don't think specifics. I
18 mean, we certainly provided the file document to
19 our office of general counsel, but I don't know if
20 there was specifics from this document that we were
21 asked to produce other than the paper file or for
22 their review.

23 Q. When you say the paper file, what paper
24 file?

25 A. The licensing file for Miracle Hill.

1 Q. Were there -- apart from the licensing
2 file for Miracle Hill, are you aware of other --
3 were you involved in collecting any other documents
4 that you provided to general counsel?

5 A. No.

6 Q. Are you aware at all of what -- what
7 was done by Director Leach or other members of DSS
8 staff to search for, collect and produce documents
9 in response to these requests?

10 A. I'm not.

11 Q. So you don't know what steps might have
12 been taken by Director Leach or anyone on his staff
13 to search for documents in response to these
14 requests?

15 A. I personally don't know.

16 Q. Okay. I know we just -- we just came
17 back from a break, but if we can take another short
18 break, I can look back over my notes and see -- and
19 see if I have anything else, but we're
20 definitely -- we're definitely getting toward the
21 end, so hopefully the next segment will be the last
22 that you hear from me.

23 THE WITNESS: Okay.

24 MS. JANSON: So why don't we take --
25 why don't we take 15 minutes and come back at 3:45.

1 A. No. An individual can go to any entity
2 or to DSS.

3 Q. Okay. And I think you said -- I think
4 you said -- and I touched on this a second ago. In
5 or around July of 2020, for what sounds like a
6 variety of reasons that you already touched on,
7 that SCDSS has decided to focus on what you called
8 kinship care, right?

9 A. That's correct.

10 Q. And I think you said a family can, if
11 they want, however -- let me -- I didn't ask that
12 well.

13 Even when SCDSS has focused on kinship
14 care in the past year or so, a family who wants to
15 be licensed as a foster parent, not in the kinship
16 care but as a -- more generally as a foster parent,
17 can, if they want, still work directly with SCDSS,
18 is that right?

19 A. What was that last part? It went away.

20 Q. It's still possible for a prospective
21 foster parent or couple to work directly with DSS,
22 is that right?

23 A. Yes. Yes.

24 Q. So if -- if a prospective foster parent
25 can't or doesn't want to work with a CPA, they can

1 work with DSS?

2 A. They can.

3 Q. Even today?

4 A. Even today.

5 Q. And it's still -- has been and still is
6 the policy of DSS that the decision of where a
7 child in foster care will be placed, what foster
8 parent's home that child will be placed in, that's
9 DSS's decision, not the CPA's decision, right?

10 A. That's correct.

11 Q. Okay. You might -- you probably
12 remember Exhibit 3. It was a two-page like a table
13 or a chart with a lot of amounts. It listed all I
14 think 28 CPAs and a whole bunch of different
15 amounts of funding over various periods of years.

16 Do you remember we talked about that I
17 think early on --

18 A. Yes.

19 Q. -- today? Okay. I don't -- I don't
20 mean to be tedious, but I do want to go through a
21 couple of -- I don't think it will take super long,
22 but I know we came back to that document several
23 times and it may be that my note taking got a
24 little bit disjointed. I just want to make sure
25 we -- we've covered all the bases there.

1 If you have it in front of you, that's
2 fine. I don't think you need to pull it up in
3 front of you if you don't.

4 A. I have it.

5 Q. Basically -- okay. Basically what I
6 want to do is I'm going to try to go through in
7 alphabetical order. I just want to -- just so
8 that -- so we've got a clear record and so my own
9 notes can get clearer, figure out which CPAs are
10 operating in the upstate that offer nontherapeutic,
11 perhaps along with therapeutic care, whether they
12 have an office in the upstate and approximately how
13 long they've been licensed.

14 So I think we can -- we can run through
15 these hopefully without it being too tedious, but I
16 apologize in advance if it is a little bit
17 mechanical. So I'm trying to go through them.

18 Church of God Home For Children. They
19 offer nontherapeutic care and they have an office
20 in the upstate, right?

21 A. Yes.

22 Q. And they've been licensed I think you
23 said for maybe ten years or so, is that ballpark
24 correct?

25 A. Yes.

1 Q. Okay. Connie Maxwell Children's
2 Ministries, they are also in the upstate. They
3 serve the upstate. They have an office in the
4 upstate, offer nontherapeutic foster care and
5 they've been licensed for several decades, is that
6 correct?

7 A. That is correct.

8 Q. Epworth Children's Home serve in the
9 upstate, have an office in the upstate, offer
10 nontherapeutic foster care and they've been
11 licensed for several years?

12 A. Several decades. And they also have
13 nontherapeutic and therapeutic.

14 Q. Okay. Growing Home Southeast. This is
15 over my notes are complete. I think they serve the
16 upstate. Do you know if they have an office in the
17 upstate?

18 A. They do not have an office in the
19 upstate, but they do work statewide.

20 Q. Okay. And they do both therapeutic and
21 nontherapeutic, is that right?

22 A. That's correct.

23 Q. And they've been licensed for 15 years
24 or so?

25 A. Or so, yes.

1 Q. Okay. Lutheran Services Carolinas.
2 They serve the upstate, they don't have an office
3 in the upstate, but they offer nontherapeutic and
4 therapeutic and they've been licensed for a couple
5 decades?

6 A. Correct.

7 Q. Okay.

8 A. Yes.

9 Q. Miracle Hill Ministries, which we've
10 talked about, they have an office in the upstate,
11 they do nontherapeutic foster care, they've been
12 licensed for several decades and they serve the
13 upstate?

14 A. Yes.

15 Q. New Foundations Home For Children, I
16 believe they serve the upstate, have an office in
17 the upstate, offer nontherapeutical foster care and
18 been licensed for several years, is that right?

19 A. Yes. That is correct.

20 Q. I think we're about halfway -- halfway
21 through the list. Thanks for hanging with me.

22 Nightlight Christian Adoptions serve
23 the upstate, have an office in the upstate,
24 nontherapeutic foster care, and they've been
25 licensed for several years?

1 A. They've been licensed for several years
2 as an adoption agency and only most recently added
3 foster care services to their list.

4 Q. Okay. Do you know when -- when they
5 were licensed as a CPA to be foster care?

6 A. It's probably been a couple of years,
7 not very long.

8 Q. Okay. Two to three, four years, that
9 ballpark?

10 A. That ballpark, yes.

11 Q. Okay. South Carolina MENTOR serve the
12 upstate. Do they have an office in the upstate, do
13 you know?

14 A. They do.

15 Q. Okay. They offer nontherapeutic foster
16 care, have been licensed for several decades --

17 A. Therapeutic --

18 Q. -- is that right?

19 A. Therapeutic and nontherapeutic services
20 are offered.

21 Q. Okay. South Carolina Youth Advocate or
22 SCYAP sometimes I think later referred to as, they
23 serve the upstate, they don't have an office in the
24 upstate, they do therapeutic and nontherapeutic and
25 they've been licensed for about 30 years, is that

1 right?

2 A. Yes.

3 Q. Okay. Southeastern Children's Home,
4 they serve the upstate. Do they have an office in
5 the upstate?

6 A. Southeastern, yes.

7 Q. Okay. They do nontherapeutic foster
8 care and it looks like they also have been licensed
9 for looks like about 40ish years. Does that sound
10 right?

11 A. Yes.

12 Q. Specialized Alternative For Family and
13 Youth, I think you said sometimes it's -- they go
14 by the acronym SAFY or SAFY?

15 A. SAFY.

16 Q. They serve the upstate, have an office
17 in the upstate, offer both therapeutic and
18 nontherapeutic and been licensed since the 1990s.
19 Is that all correct?

20 A. That is correct.

21 Q. Okay. Tamassee DAR School, if I'm
22 pronouncing that right, I think you said they
23 closed at some point in 2019. But prior to that,
24 and at least you said, into some part of 2019 they
25 were licensed as a CPA, is that --

1 A. That is -- that's correct.

2 Q. They do nontherapeutic foster care,
3 serve the upstate, they -- do you know if they have
4 an office in the upstate?

5 A. They did.

6 Q. Okay. The Bair Foundation has an
7 office in the upstate, serves the upstate, have
8 therapeutic and nontherapeutic foster care and
9 they've been licensed for about 20 years. Is that
10 all correct?

11 A. That's correct.

12 Q. Then -- let's see. Thornwell. Let's
13 see. Serves the upstate, office in the upstate,
14 nontherapeutic foster care and they've been
15 licensed for a number of years?

16 A. Um-hum. Yes.

17 Q. And then I think the last -- the last
18 one, this is one that I have written in, so -- from
19 your testimony -- so correct me here. I can't read
20 my own writing. Family Preservation? Is that --

21 A. Um-hum. Family Preservation Community
22 Services.

23 Q. Okay. So they serve the upstate. Do
24 they have an office in the upstate?

25 A. They serve statewide, but they do not

1 have an office in the upstate.

2 Q. Okay. They do nontherapeutic foster
3 care?

4 A. And therapeutic.

5 Q. And do you know ballpark how long
6 they've been licensed as a CPA?

7 A. It's been awhile, so certainly more
8 than ten years.

9 Q. Okay. I just wanted to -- for the ones
10 we just -- we just discussed, I think it's around
11 15 or 16 or so that at least serve the upstate,
12 some of them you said don't have an office here.
13 I'm trying to find an example.

14 Southeastern Children's Home, they
15 do --

16 A. Right.

17 Q. So let's use Southeastern as an
18 example. If -- if I wanted to be licensed as a
19 foster parent, I did a Google search for a foster
20 care agency in Greenville, South Carolina and I
21 think -- I just like the sound of that name, I
22 click on it. If I wanted to talk to and to apply
23 through that to DSS, how would I go about doing
24 that if they don't have an office?

25 A. You would -- sure. There is a main

1 contact number for each CPA and you would contact
2 either by e-mail or telephone to inquire and you
3 will be connected with someone at that agency who
4 would follow up with you. The staff travels
5 statewide even if they don't have an office
6 presence, and so there is staff that are assigned
7 and would meet with you and your family and take
8 you through the application process.

9 Q. Okay. Is that process -- would that
10 process be any less convenient to me as a
11 prospective foster parent than if I went with
12 Southeastern Children's Home that has an office
13 nearby?

14 A. I don't think it would. The staff
15 would be required to make contact with you, visit
16 with you, as would any other CPA that may have a
17 presence in the county in which you reside.

18 Q. Okay. Thanks for marching through that
19 with me. Look again at -- I think you still have
20 Exhibit 3 in front of you. You didn't yourself
21 prepare this document, did you?

22 A. I did not.

23 Q. Okay. By my count there are about 28
24 CPAs listed here. There were two or three,
25 JusticeWorks Behavioral Care and LifeShare

1 Management Group, that I think you clarified for us
2 are not, in fact, CPAs, is that right?

3 A. They're not currently licensed as CPAs.

4 Q. Do you know if they were previously
5 licensed as CPAs?

6 A. Yes, they were previously licensed and
7 closed.

8 Q. Okay. So I'm looking, for example, at
9 JusticeWorks Behavioral Care. It's listed twice.
10 From the second time it's listed there, for
11 example, there's numbers for 2017, 2018, 2019 and
12 there's nothing for the last half of 2020. Is that
13 the time when it -- when it closed and stopped
14 operating as a CPA?

15 A. No, it would have been before 2020.
16 JusticeWorks provides a different service for the
17 Department and so they no longer do -- work with
18 families under the child placing agency, but
19 there's a different contract for services.

20 Q. Okay. I see. Do you know when -- and
21 I apologize if you said this and I just wasn't
22 taking good notes.

23 Do you know when JusticeWorks
24 Behavioral Care stopped operating as a CPA?

25 A. It's been a number of years now and I

1 numbers here, whether those include other payments
2 for other contracted services that a CPA might
3 provide apart from the specific work that it does
4 in recruiting and helping foster families to get
5 licensed, is that right?

6 A. Again, I can't answer as to what was
7 included here.

8 Q. Okay. But we -- and we don't know then
9 that this -- from looking just at the face of this
10 document that this only shows money that went to
11 CPAs to reimburse them for or to compensate them
12 for any work that they did in recruiting or helping
13 foster -- prospective foster families get licensed,
14 right?

15 MR. COLEMAN: Object to the form of the
16 question.

17 THE WITNESS: Again, I have no way of
18 knowing what was included here on the surface.
19 This just shows the total amount that was paid per
20 fiscal year.

21 BY MS. HANSON:

22 Q. Okay. And then when you were -- when
23 you were speaking with Mr. Coleman, he asked you a
24 series of questions about, you know, whether
25 somebody would feel more -- possibly feel more

1 comfortable going to a CPA that shared -- shared
2 their particular faith, right, than maybe -- maybe
3 going to a different CPA, is that right?

4 A. Yes.

5 Q. And do you think that -- well, does
6 South Carolina have a CPA that focuses on
7 recruiting people from every given faith?

8 A. Not that I'm aware of. I think the
9 idea is that we recruit for families that can meet
10 the needs of children that we have in foster care,
11 and those efforts should be based on families that
12 can serve the children we have.

13 I mean, I don't know that it would be
14 much benefit to have a group of families that we
15 can't place children with. And so generally we're
16 looking for families to serve children who are for
17 our sibling groups, who are teenagers, who are
18 adolescents and are in need of temporary care.

19 Q. And assuming that there -- assuming --
20 and I understand that there isn't, but assuming
21 that there were a CPA that focused on every
22 possible faith, a Jewish CPA, a Muslim CPA, you
23 know, you name it, across the board, would that --
24 would that really -- would that be preferable or
25 would that be better than having more of an equal

1 level playing field where if I'm a prospective
2 foster parent I could feel comfortable going to any
3 of the -- any of the CPAs that -- that serve my
4 area?

5 A. I would agree with that.

6 Q. You would agree that the level playing
7 field option would be better?

8 A. I would agree that families should have
9 a choice in where they want to go to become
10 licensed where they're most comfortable with and
11 where they feel they can serve.

12 Q. And if we were talking here instead of
13 religion, if we were talking about race or
14 ethnicity and we said, well, it's fine because, you
15 know, there's an agency that -- you know, that
16 focuses on recruiting from the African American
17 community and there's an agency that focuses on
18 recruiting from the Asian American community and so
19 forth, I don't need to belabor the examples, but
20 would we -- would we -- would you generally think
21 that that would be fair?

22 A. I would not.

23 MS. JANSON: Okay. I think -- I think
24 that you've heard all you're going to hear from me.
25 Again, thank you very, very much for your time. I

1 know it's been a really long day. I don't know if
2 anyone has -- Miles has got a finger up.

3 MR. COLEMAN: Yeah. Let me ask just
4 one follow-up.

5 EXAMINATION

6 BY MR. COLEMAN:

7 Q. So Exhibit 3 that we just looked at,
8 and again, Kate just made the point and you agreed
9 that -- and you said this earlier, right, that you
10 didn't compile this data, you know, you can't speak
11 authoritatively to how it was published. Who --
12 who should we talk to to find that out, do you
13 know?

14 A. Susan Roebin --

15 Q. Okay. Do you --

16 A. -- I believe was designated.

17 MR. COLEMAN: Okay. All right. Thank
18 you.

19 THE WITNESS: You're welcome.

20 MR. RIDDLE: Nothing further from me.
21 This is Jonathan.

22 MS. JANSON: Okay. I think we're done.

23 MS. NEWMAN: Thank you, Miss Lowe.

24 VIDEO TECHNICIAN: Attorney Janson, can
25 I read my closing to take us off the record?

1 MS. JANSON: Yes, please do.

2 VIDEO TECHNICIAN: Okay. We are off
3 the record at 5:34 PM. This concludes today's
4 testimony given by Jacqueline Lowe. The total
5 number of media units was six and will be retained
6 by Veritext New York.

7 (WHEREUPON, the proceedings concluded
8 at 5:34 PM.)

9 (The witness, after having been advised
10 of her right to read and sign this transcript, does
11 not waive that right.)

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